IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 14TH AUGUST 2007 / 23RD SRAVANA 1929

Bail Appl..No. 4810 of 2007()

CRIME NO.109/2007 OF PATTANAKKAD POLICE STATION

ACCUSED 11,13,14 & 15:

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1. KANNAN, S/O.CHANDRAN,
   AGED ABOUT 23 YEARS, PANAPARAMPATHU NIKARTHIL,
   WARD NO.VIII, PATTANAKKAD PANCHAYATH.

2. VINOD, S/O.PURUSHOTHAMAN, AGED ABOUT
   29 YEARS, PULIMMOOTTUVELIYIL,
   WARD NO.8, PATTANAKKAD PANCHAYATH.

3. SAHADEVAN @ SAHAI, AGED ABOUT
   38 YEARS, S/O.MADHAVAN, KOCHUMEKKARA VEEDU,
   WARD.NO.8, PATTANAKKAD PANCHAYATH.

4. PRADEEP @ ONE SIDE KUTTAN,
   AGED ABOUT 40 YEARS , S/O.RAJAPPAN,
   THEKKETHATTAVELI VEEDU, WARD NO.8,
   PATTANAKKAD PANCHAYAT.

BY ADV. SRI.G.PRIYADARSAN THAMPI

RESPONDENTS: COMPLAINANT:

STATE OF KERALA, REPRESENTING CIRCLE
INSPECTOR OF POLICE, KUTHIATHODU POLICE STATION,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR ADV.SRI.S.U.NAZER

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 14/08/2007, HE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

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B.A.No. 4810 of 2007

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Dated this the 14th day of August, 2007

ORDER

Application for regular bail. Petitioners are accused Nos.11,13,14 and 15. They along with co-accused face allegations, inter alia, under Sec.302 read with 149 IPC. I have already adverted to the facts of the case in detail when the application for regular bail of some other co-accused were considered in the order dated 24.7.07 in B.A. Nos.4281 and 4282 /2007. It is not necessary to advert to the facts in greater detail in this order. The petitioners along with co-accused, who were members of the unlawful assembly, allegedly indulged in the overt acts in question. Though the learned Public Prosecutor submits that the investigation is now complete and final report has been filed, the learned counsel for the petitioners contends that assertion and submits that proper final report has not been filed yet.

2. Be that as it may, we are concerning the application for bail of accused Nos.11,13,14 and 15. They have been arrested on various dates between 17.5.07 and 24.5.07. The learned counsel for the petitioners prays that all the petitioners may now be

released on bail. The learned Public Prosecutor submits that earlier order in B.A.Nos.4281 and 4282/2007, accused persons who have no criminal antecedents were enlarged on bail, subject to appropriate conditions. The State does not have any objection in accused No.11,14 and 15, against whom there is no allegations of any criminal antecedent, being also enlarged on bail subject to identical conditions. But so far as Accused No.13 is concerned, the learned Public Prosecutor raises very serious objections as the said petitioner was already an accused in an offence under Sec.302 IPC. It is prayed that the said accused that is the 2nd petitioner-13th accused may not be granted bail.

3. Having considered all the relevant circumstances, I am satisfied that the stand taken by the learned Public Prosecutor is fair and reasonable and that accused No.11,14 and 15 can now be enlarged on bail subject to appropriate conditions. Considering the antecedence of Accused No.13, I am satisfied that the prayer cannot be considered favourably at this stage.

4. In the result this petition is allowed in part. Petitioners 1,3 and 4 that is Accused Nos.11,14 and 15 shall be released on bail on the following terms and conditions.

i) They shall execute bonds for Rs.1,00,000/-(Rupees one lakhs only) each with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

ii) They shall report before the Investigating Officer between 5 p.m. and 6 p.m. on the first Monday of all English Calender months until further orders.

Iii) The petitioners shall not enter the Sessions Division of Allappuzha until further orders except for the purpose of complying with condition (b) above.

5. The application for bail of the 13th accused is dismissed. The said accused shall be at liberty to move this Court or the Sessions Court for bail again at a later stage of the investigation, not at any rate, prior to 30.8.07.

(R.BASANT, JUDGE)

sj